IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

JEFFREY C. SKEENS, et al.,

Plaintiffs,

v. CIVIL ACTION NO. 5:13-cv-20595

ALPHA NATURAL RESOURCES, INC., et al.,

Defendants.

ORDER

On October 30, 2013, this Court issued a Memorandum Opinion and Order dismissing this case with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. On appeal, the Fourth Circuit Court of Appeals determined that the Plaintiff's failure to properly plead jurisdictional facts deprived this Court of jurisdiction and required dismissal without prejudice. After the appellate opinion was issued, but prior to issuance of the mandate on October 9, 2014, the Plaintiffs moved for leave to amend the complaint, asserting that the "directive of the Fourth Circuit would be more properly served" by permitting them to amend.

The Court's lack of jurisdiction precludes any action other than dismissal. In accordance with the Fourth Circuit's directive that the Court dismiss the complaint without prejudice for lack of jurisdiction, the Court hereby **ORDERS** that this action be **DISMISSED WITHOUT PREJUDICE.** The Court further **ORDERS** that any pending motions be **TERMINATED AS MOOT.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: October 22, 2014

IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA